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Application No. 10/566,082
Amdt. Dated: June 14, 2010
Reply to Office Action: April 1, 2010

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REMARKS/ARGUMENTS

The Examiner indicated on the Office Action Summary Sheet that claims 1 to 20 were rejected. However, there is no specific rejection of claims 18 to 20 contained in the Office Action.

With respect to the election of the claims of Group I, claims 21 to 25 (Group II) have been deleted. Such deletion is made without prejudice to the applicants right to file a divisional application thereto.

The Examiner rejected claim 4 under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the Examiner considered claim 4 to be unclear in reference to "its natural pH". This term has been deleted from claim 4.

Claims 7 and 8 have been amended to indicate that the ratio is on a w/v basis.

It is submitted that none of the claims can be considered to be indefinite and that all claims comply with 35 USC 112, second paragraph.

The Examiner rejected claims 1 to 16 and 18 to 20 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 to 17 of US Patent No. 7,309,773. In addition, the Examiner rejected claim 17 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 to 17 of US Patent No. 7,309,773 taken together with Kankaanpaa-Anttila et al.

A rejection of obviousness-type double patenting can be overcome by the filing of a Terminal Disclaimer, which may be signed by an attorney or agent-of-record. Submitted herewith is a Terminal Disclaimer, disclaiming that term of the

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patent to be granted on this application which may extend beyond the term of the USP 7,309,773. Authorization to charge the prescribed fee to our deposit account is enclosed herewith.

Having regard thereto, it is submitted that the rejection of obviousness-type double patenting should be withdrawn.

The Examiner rejected claims 1 to 3, 5 to 8 and 10 to 12 under 35 USC 102(b) as being anticipated by Vassel.

Claim 1 has been amended to incorporate the subject matter of claim 18, not the subject of this rejection. Having regard thereto, it is submitted that no claim now can be considered to be anticipated by Vassel and hence the rejection of claims 1 to 3, 5 to 8 and 10 to 12, as amended, under 35 USC 102(b) as being anticipated by Vassel, should be withdrawn.

The Examiner rejected claims 1 to 16 under 35 USC 103 as being unpatentable over Vassel. As noted above, claim 1 has been limited to the subject matter of claim 18, not the subject of this rejection. Having regard thereto, it is submitted that the claims in their amended form now can be considered to be patentable over Vassel and hence the rejection of claims 1 to 16 under 35 USC 103(a) as being unpatentable over Vassel, should be withdrawn.

The Examiner rejected claim 17 under 35 USC 103(a) as being unpatentable over Vassel taken together with Kankaanpaa-Anttila et al. As noted above, claim 1 has been directed to the subject matter of claim 18 and hence the rejection should be withdrawn.

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It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Respectfully submitted,

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